IN THE HIGH COURT OF JUDICATURE AT BOMBAY
SIDE JURISDICTION
CRIMINAL APPLICATION NO.530 OF 2007

Shri Chandrakant Haribau Patil ...Applicant.
V/s.
The State of Maharashtra ...Respondent.

Shri K.S.Patil, adv.for the Applicant.
Shri Y.S.Shinde, APP for the Respondent.

CORAM: J.H.BHATIA, J.
DATE : 26th February, 2007.

P.C.:

1. Heard Mr.Patil, the learned counsel for the applicant and Mr.Shinde, the learned APP for the State.

2. Perused F.I.R. and the order passed by the Ad-hoc Additional Sessions Judge (I), Raigad on 7th February, 2007.

3. The applicant seeks anticipatory bail in Crime No.415 of 2006 registered at Panvel Town police station for the offences punishable under Sections 452, 323, 506 read with Section 34 of the I.P.C., 3,(1),(x) of the Prevention of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act and under Section 7(1)(d) of the Protection of Civil Rights Act. As per the F.I.R. lodged by one Balkrishna Sadavarte on 22-10-2006, one Premchand, who is the son of the present

applicant had assaulted and abused his daughters in the name of their caste. When the complainant came to know, he wanted to advise the said Premchand. However, Premchand assaulted the complainant also and abused him in the name of his caste. From the F.I.R., it is clear that whatever offences were committed, it was by Premchand, who is son of the present applicant. Presence of the present applicant is not shown at the time of any of the two incidents. However, the applicant apprehends arrest because police are after him. His apprehension is corroborated by the fact that on his application for anticipatory bail, the learned Public Prosecutor had submitted the report to the Ad-hoc Additional Sessions Judge, Raigad that the present applicant was also present at the time of 2nd incident, therefore, he should not be granted anticipatory bail. In fact, in the second incident the F.I.R. does not show presence of the present applicant. To that extent the facts are not correctly stated in paragraph 7 of the order passed by the Ad-hoc Additional Sessions Judge nor the Public Prosecutor made correct statement of the facts before the Court. Therefore, the applicant has well founded the apprehension that even though he has not committed any offence, he is likely to be arrested.

4. For the aforesaid reasons, in the event of

arrest, the applicant shall be released on his executing P.R.Bond of Rs.5,000/- with the surety of like amount with the condition that he shall fully co-operate with the police in investigation.

5. Application stands disposed off.

(J.H.Bhatia,J.)